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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,326	07/24/2003	Dan M. Ionel	010121-9916	1357
	. 06/01/2004	938	EXAMINER NGUYEN, TRAN N	
MICHAEL BI	EST & FRIEDRICH ISIN AVENUE	LLP		
MILWAUKEE			ART UNIT	PAPER NUMBER
. *	;		2834	0
			DATE MAILED: 06/01/2004	1

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Total Mark   Communication   Tran N. Nguyen   2834			Applicati n N .	Applicant(s)				
P riod f r Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension of time may be available under the strongers of 17 CPR 1.38(s). In convent, however, may a reply be timely filed and set State (s) (MONTHS from the mailing date of this communication.  If you will not not be considered to the strongers of 37 CPR 1.38(s). In convent, however, may a reply be timely filed on the strongers of the communication.  If you will not not be considered the strongers of 37 CPR 1.38(s). In convent, however, may a reply be timely filed on the strongers of the strongers		Offic Action Summan	•	IONEL ET AL.				
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Intercention of the control of the		Th MAILING DATE of this communication appears on the cover sheet with the correspondence address P riod f r Reply						
1) Responsive to communication(s) filed on		Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).						
2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-45 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are rejected.  7) Claim(s) is/are rejected.  7) Claim(s) is/are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachm nt(s)  1) Notice of Parlspresson's Patent Drawing Review (PTO-948)  Paper Not(s)/Mail Date.  9) Other:  10 Interview Summary (PTO-413)  Paper Not(s)/Mail Date.  9) Other:  11 Interview Summary (PTO-413)  Paper Not(s)/Mail Date.  12 Opiciation (PTO-152)  13 Objected to Paper Not(s)/Mail Date.  14 Interview Summary (PTO-413)  Paper Not(s)/Mail Date.  15 Objected to Paper Not(s)/Mail Date.  16 Objected to Paper Note Paper Not(s)/Mail Date.	ı	Status						
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Paper No(s)/Mail Date 6)  Other:	3	) Information Disclosure Statement(s) (PTO-1449 or PTO/SR/OR)						
		Paper No(s)/Mail Date	6) Other:	<del>ppiiodaoli (F 10-102)</del>				

Application/Control Number: 10/626,326

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## Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

(I) Claims 1-26 are drawn to a rotary electrical machine structure classified in class 310, subclass 261.

(II) Claims 27-45 are drawn to method of making a rotary electrical machine, classified in class 29, subclass 596.

The inventions are distinct, each from the other because of the following reasons: Inventions in groups I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)).

In the instant case there are various methods to fabricate a rotary electric machine including automatic machinery process and/or manual process, wherein each process having various orders of fabricating steps. Also, the method of forming the machine in the present invention can be employed to form other magnetic elements such as magnetic sensors, magnetic bearings, and magnetic switches.

A telephone call was made to Sheldon L. Wolfe Reg. No. 43,996 on 5/26/04 to request an oral election to the above restriction requirement, but the attorney could not be reached; therefore, did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (571) 272-2030. The examiner can normally be reached on M-F 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at \$66-217-9197/(toll-free).

Itan N. Nguyen

Primary Examiner

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